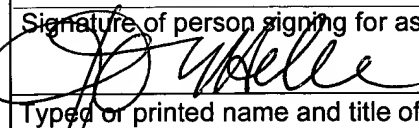


<b>REISSUE APPLICATION BY THE ASSIGNEE, OFFER TO SURRENDER PATENT</b>		Docket Number (Optional) RE97.18
This is part of the application for a reissue patent based on the original patent identified below.		
Name of Patentee(s): Joseph P. Markham		
Patent Number 5,865,146	Date Patent Issued February 2, 1999	
Title of Invention "Bouncing Pet Toy"		
Bounce, Inc. d/b/a The Kong / <u>                    </u> Company is the assignee of the entire interest in the original patent.  I offer to surrender the original patent.  <input checked="" type="checkbox"/> A certificate under 37 CFR 3.73(b) is attached.  I am authorized to act on behalf of the assignee.		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this declaration is directed.		
Name of assignee Bounce, Inc. d/b/a The Kong Company		
Signature of person signing for assignee 	Date 6/06/2K	
Typed or printed name and title of person signing for assignee Joseph P. Markham, President		

**REISSUE APPLICATION DECLARATION BY THE INVENTOR**

Docket Number (Optional)

RE97.18

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,865,146, granted February 2, 1999, and for which a reissue patent is sought on the invention entitled "Bouncing Pet Toy"

the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as reissue application number \_\_\_\_ / \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

1. Failure to claim the subject matter of new Claims 11-13.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)  
RE97.18

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Name(s) Registration Number

Gary D. Fields 19,604

Brent P. Johnson 38,031

Correspondence Address: Direct all communications about the application to:

☐ Customer Number

OR

Type Customer Number here

Place Customer Number Bar  
Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Gary D. Fields Fields & Johnson, P.C.				
Address	8480 East Orchard Road				
Address	Suite 5600				
City	Englewood	State	CO	ZIP	80111
Country	U.S.A.				
Telephone	303-689-9100	Fax	303-689-9250		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)

Joseph P. Markham

Inventor's signature

Residence 12094 West 75th Place  
Arvada, CO 80005

Date

6/06/21

Post Office Address 12094 West 75th Place  
Arvada, CO 80005

Citizenship  
U.S.A.

Full name of second joint inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of third joint-inventor (given name, family name)

Inventor's signature

Date

Residence

Citizenship

Post Office Address

☐ Additional joint inventors are named on separately numbered sheets attached hereto.

## OWNERSHIP AND ASSIGNMENT

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PTO/SB/86 (2-88)

Approved for use through 08/30/2000. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant: Joseph P. MarkhamApplication No.: 09/041,218Filed: March 12, 1998Entitled: "Bouncing Pet Toy"Bounce, Inc. d/b/a The Kong Company, a Colorado corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

In the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 9031, Frame 0399, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

[ ] Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

6/06/2K  
Date  
SignatureJoseph P. Markham  
Typed or printed namePresident

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Express Mail No. EL245411704US

ASSIGNMENT

WHEREAS, I, Joseph P. Markham, of 12094 West 75th Place, Arvada, Colorado 80005, have invented a certain new and useful invention in a "BOUNCING PET TOY," for which I am about to make application for Letters Patent of the United States, and said application being identified as Docket No. F97.18 and executed concurrently herewith; and

WHEREAS, I now own the entire right, title and interest therein; and

WHEREAS, Bounce, Inc. d/b/a The Kong Company, whose address is 16191-D Table Mountain Parkway, Golden, Colorado 80403-1641, a fully organized corporation of the State of Colorado, is desirous of acquiring the entire right, title and interest therein and thereto;

NOW, THEREFORE, be it known that for and in the consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to me in hand paid, the receipt of which is hereby acknowledged, I, the said Joseph P. Markham, do sell, assign and transfer unto the said Bounce, Inc. d/b/a The Kong Company, its successors, legal representatives and assigns, the entire right, title and interest in and to the said invention, the aforesaid application for the territory of the United States of America, patent applications in all foreign countries, and to all Letters Patent, continuations, reissues and extensions to be obtained therefore; and I further agree to cooperate with the assignee hereunder in the obtaining and sustaining of any and all such Letters Patent, but at the expense of said assignee.

The Commissioner of Patents is hereby authorized and requested to issue the Letters Patent solely in accordance with the terms of this Assignment to Bounce, Inc. d/b/a The Kong Company, its successors, legal representatives and assigns, as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date indicated hereinafter.

Date:

3/11/98  
Joseph P. Markham

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State of Colorado                    )  
  ) ss.  
County of Jefferson            )

Before me, a Notary Public in and for said County and State,  
personally appeared Joseph P. Markham, whose name is subscribed to the  
foregoing instrument, and acknowledged to me that he executed the same  
for the purposes and considerations therein expressed.

Given under my hand and seal of office this 11<sup>th</sup> day of March,  
1998.

Virginia A. Sawatzke  
Notary Public

My Commission Expires: 9/24/01